IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

Bail Appl..No. 7705 of 2007()

PETITIONER

P.U.JOSEPH, S/O.P.V.UTHUPPU,
AGED 44 YEARS, PALATTY HOUSE, THABORE P.O.,
PARAMBAYAM, ANGAMALY, ERNAKULAM DISTRICT.

BY ADV. DR.SEBASTIAN CHAMPAPPILLY
SMT.ANNIE GEORGE
SMT.RINTA GEORGE

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY THE
STATE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. THE SUB INSPECTOR OF POLICE,
ANGAMALY POLICE STATION, ANGAMALY.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7705 of 2007

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Dated this the 14th day of December, 2007

O R D E R

Application for anticipatory bail. The petitioner is the husband of the defacto complainant. The marriage took place on 24.1.2007. One child has been born in the wedlock. Crime has been registered u/s. 489A I.P.C. on the basis of the private complaint filed before the learned Magistrate by the defacto complainant and referred by the learned Magistrate to the police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. There is strain in the marital tie and on account of such strain, fanciful, false and exaggerated allegations are being made against the petitioner. The defacto complainant is employed abroad. She has not suffered any external injuries as a result of the alleged physical cruelty. The

petitioner may be saved of the undeserved trauma of arrest and inc rceration in prison, submits the learned counsel.

3. The learned counsel for the petitioner prays, the learned Prosecutor does not oppose the said prayer and I am satisfied that directions under Section 438 Cr.P.C. can be issued in favour of the petitioner. Subject to appropriate conditions, anticipatory bail can be granted to the petitioner, I am satisfied.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 21.12.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 22.12.07 and 24.12.2007 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 21.12.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 21.12.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 21.12.2007.

(R. BASANT)
Judge

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